

EPILEPSY TO BE MARIA'S DEFENCE.

The Barberi Woman Incapable of Distinguishing Right from Wrong.

Such Is Claimed by Her Lawyers, Who Will Show Her Ancestry.

Decended from a Race of Drunkards and Chronic Hysterical Persons.

GENEALOGICAL TREE IN EVIDENCE.

Certainty That the Prosecution Will Combat This View of the Crime with Medical Experts, and the Trial Will Be Long.

"We will prove that Maria Barberi is an epileptic and that when she committed murder she was unable to distinguish between right and wrong,"—Lawyer Emanuel Friend.

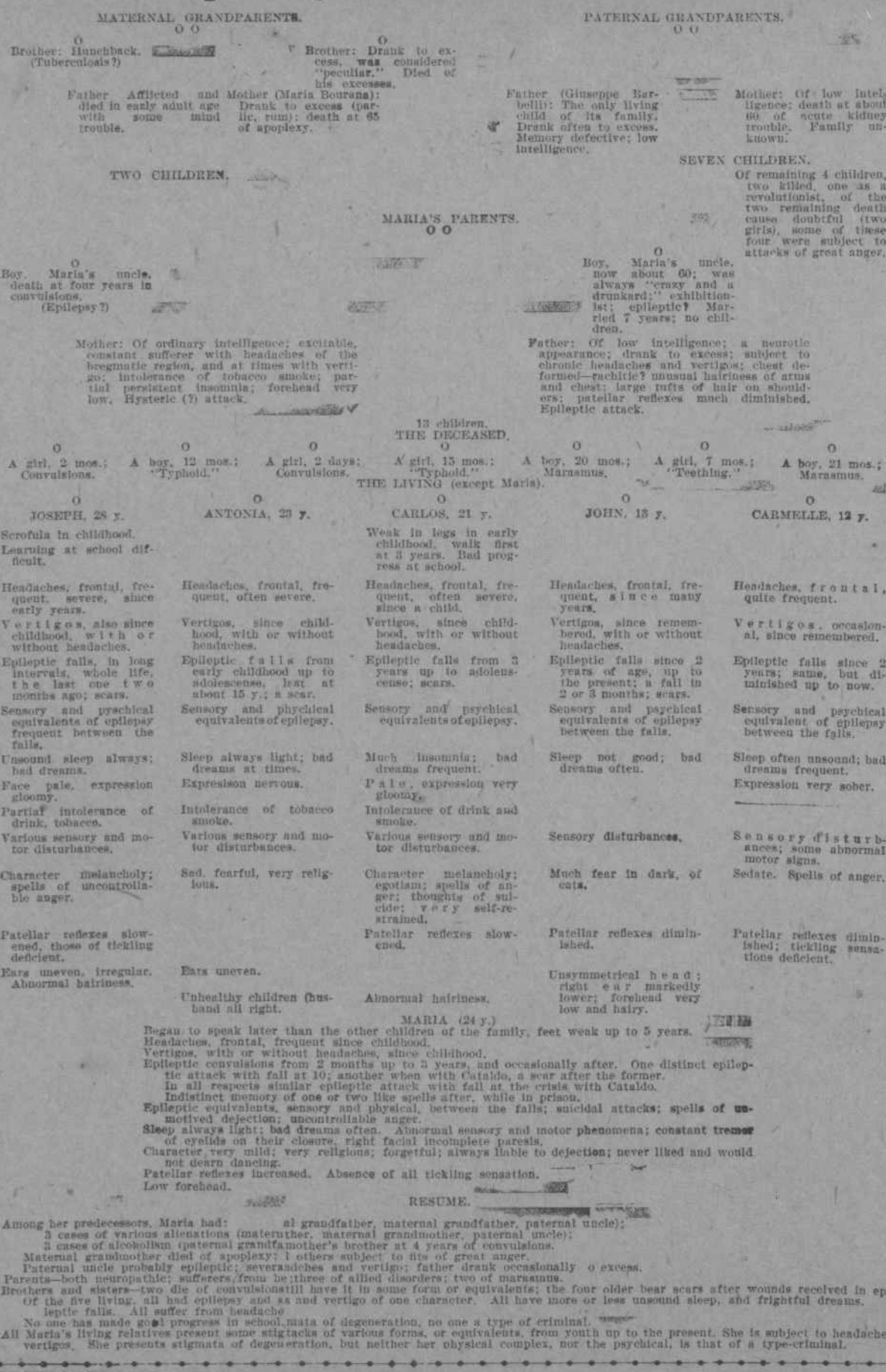
"The subject of criminality in the female receives illumination from the rarity of epilepsy and moral insanity among women. It explains why they are so much more often merely occasional criminals, and why, even when criminals from passion, they hardly ever commit their crimes in one of those sudden impulses which are always partly epileptoid; also why, in common crimes, they exhibit a premeditation and a gloating that are the very antitheses of the offence which springs instantaneously from an epileptic movement."—Professor Cesare Lombroso.

"Through the whole of Maria Barberi's first trial there was no testimony or insinuation that prepared either judge or jury in the present trial for the defence of epilepsy which has now been advanced. It was a startling surprise.

Yesterday's session was taken up by two witnesses for the defence who had known the prisoner and her family in Ferrandina, province of Basilicata, in Italy, and who had been summoned to prove that Maria Barberi is descended from two generations of epileptics, drunkards and persons afflicted with chronic hysteria. Their testimony showed conclusively that the older Barberis were mostly drunkards, and that one of them was sent to an institution to be cured of fits; but it will be for the jury to decide whether or not this showed a hereditary taint of insanity.

Messrs. Friend & House, the prisoner's lawyers, had prepared an elaborate genealogical table of Maria Barberi's pedigree, which, if it can be proved to be true, will tell, in brief form, the history of one of the most miserable families that ever existed. According to this table Maria's grandparents on both sides were physically weak and mentally depraved. Their progeny suf-

Chart Showing Heredity of Maria Barberi Now on Trial for Murder.



ASSISTANT DISTRICT ATTORNEY M'INTYRE ARGUING AN OBJECTION TO A QUESTION BY MR. HOUSE.

ferred from every known variety of nervous affliction. They were stunted in growth, defective in their senses, stupid, nervous, hysterical and epileptic. The total sum of mental and physical suffering contained in this record of a single family is almost beyond belief.

Barberi's Genealogical Tree.
This genealogical chart was prepared with great pains by these lawyers for the use of the medical experts who will be called to testify in the case. It was not presented as evidence, but it will figure in the trial from this day forth. And judged by the scheme of defence outlined by the lawyers and the minuteness with which the Assistant-District Attorney has combated every single point that would tend to prove the woman an epileptic, the trial promises to last many days.

The subject of epilepsy will be discussed and exhausted as has never before been done in a criminal court. The defence will have a difficult task in proving that Maria Barberi is an epileptic. If they should carry that point they will have to show that she was suffering from an attack of epilepsy at the time she committed the crime. The quotation from the writings of Lombroso, which appears above, draws attention to the absence of premeditation in the crimes of an epileptic. In the first trial

it was proved conclusively that Maria's crime was both premeditated and deliberate. And now until this obstacle has been overcome by the defence laid a hope of success for its plea.

Maria Barberi has been characterized from time to time as a type of the degenerate criminal. That is wrong. In the scientific sense of the word she is not a criminal at all. This murder was the only act of her life that was contrary to the laws of society. The criminal degenerate is born to commit crime, cannot help committing crime and commits a fresh crime as soon as he has escaped the last. It is cruel to this woman to call her a criminal of that type. Her degeneracy, however, is self-evident. In the sense of losing the qualities of their prototype the whole Barberi family, for three generations, are degenerates, because it is taken for granted that at some time or other there was a Barberi who was not an epileptic and whose constitution was sound. And in this same sense the world is overburdened with degenerates. But there has been no criminal trait in the family and the criminologists who sit staring at Maria Barberi for hours every day are losing precious time.

A Pothetic Incident.
There was one incident yesterday of extreme sadness that most of the spectators knew nothing about. Pasquale Pelletier, a tailor, at No. 276 Elizabeth street, spent the entire afternoon in the witness chair, listening to the wrangling of the lawyers and answering with perfect calmness every question that was put to him. Yet his youngest child had died the night before,

and lay at home in a coffin. It was not until a moment before the court adjourned that the prisoner's lawyer, with a view to making allowances for any discrepancies in his testimony that might be discovered, asked him, in a soft voice, whether it was true that he had been so cruelly afflicted. The man's eyes became moist and his lips twitched.

"Yes," he replied in a whisper, "my child is dead."
The first witness of the day was Elzino Lanzetta, of No. 223 West Twenty-ninth street. He knew Michele Barberi, Maria's father, and Giuseppe Barberi, her grandfather. Both father and son worked for him in Italy. He also knew Maria's mother, Philomena Bonzanti, who was the daughter of Antonio Bonzanti, who was taken to Aversa, where there is an institution. He was frequently seized with fits. He used to have fits in the street and would rush upon people and attack them until he was overpowered.

He then spoke of Giovanni Barberi, brother of Maria's father. He was a stupid man and used to cry a great deal. He used to run out of his house undressed and make a scene in the market place. Antonio Bonzanti's wife was a drunken woman, always troubled with hysteria. She was very nervous, and would laugh and cry without cause.

"Was she an intelligent woman?" asked Lawyer House.
"It was impossible to read her character. She was nearly always drunk."

Grandfather Was a Drunkard.
The witness said that Giuseppe Barberi, Maria's paternal grandfather, was a drunk-

ard, who spent most of his time longing around the cafes of Ferrandina. Maria's oldest brother, he said, was subject to fits. This witness's testimony remained unshaken, despite a rigorous cross-examination by the Assistant-District-Attorney.
After recess the examination of Pelletier began. This man had known the Barberis intimately in Ferrandina, and was very emphatic in his characterization of the family as a lot of drunkards and hysterics. Maria's father, he said, played the cymbals in the village band and was in the habit of appearing at rehearsals very drunk and without his cymbals.
"He was a very ignorant man," the witness said, "and he often acted as if he were crazy."
Maria's brother, Giuseppe, was formerly an apprentice in the witness's tailor shop. "One morning," said Pelletier, "he fell into a fit apparently without cause and fell to the floor, where he lay like one dead for a long time. When he recovered he did not know what had happened to him."

Over this point there was long arguing by the lawyers. Each side recognized it as evidence of the highest importance, and the Assistant-District-Attorney was loath to have it admitted. Judge Gliderleeve finally ruled in the prisoner's favor.
The case will go on to-day. After Monday there will probably be night sessions.

PRINCE OTTO OF PRUSSIA IS DEAD.
Berlin, Nov. 20.—Prince Otto of Stolberg-Wernigerode died last night at Wernigerode. He was born at Gerdern, October 30, 1837. He was a general in the Prussian Cavalry and President of the Prussian Diet.

George G. Benjamin, Clothing & Furnishings, Broadway, cor. 26 & 27.

SCHOEPFLIN WINS AGAINST COFFEY.

Verdict for \$6,500 in the Libel Suit a Big Surprise to Spectators.

The Plaintiff Himself Did Not Expect More Than Nominal Damages.

Cause of Action Was the Senator's Report Defamatory to the Assemblyman.

NEWSPAPER MEN ON THE STAND.

Legislative Correspondents Testified That the Erie Man Consented to the Sending Out of the Objectionable Statement.

Buffalo, Nov. 20.—The verdict for \$6,500 damages returned by the jury this morning in the suit of ex-Assemblyman Charles Schoepflin, of Erie County, against State Senator Michael J. Coffey, of Brooklyn, was a great surprise for those who had followed the case carefully. The plaintiff himself was heard to remark while the jury was out that he would be well pleased with a verdict for six cents, which would vindicate his honor.

Under the judge's charge the finding of damages to this amount is remarkable, and is accounted for by the counsel for the defence on the ground that the jury was made up largely of men from the towns who have a natural prejudice against witnesses like Assemblyman John J. Cain, of Brooklyn, and ex-Senator George A. Owens. The complaint alleged both slander and libel. Before the plaintiff had closed his case, however, Justice Childs ruled that the action could not be maintained for slander.

Item with the Libel.
The alleged libel was contained in a dispatch sent from Albany on May 15, 1895, by the Associated Press, saying that "It was stated at 4 o'clock this afternoon by Senator Coffey, of Kings, that indictments had been found against Assemblymen Samp-



Mrs. Foster and Maria Barberi.

from only in the Buffalo Express, Buffalo News, Rochester Herald and Syracuse Post. Senator Coffey swore that he had heard the report from Senator Owens, who believed that Campbell had been arrested and was looking for him; from Assemblyman Cain, and from James E. Casey, his private secretary. He testified that George E. Graham, Legislative correspondent of the Associated Press, had told him he had heard the rumor of Schoepflin's indictment, and that he told him he had, and was looking for him; from Assemblyman Cain, and from James E. Casey, his private secretary. He testified that George E. Graham, Legislative correspondent of the Associated Press, had told him he had heard the rumor of Schoepflin's indictment, and that he told him he had, and was looking for him; from Assemblyman Cain, and from James E. Casey, his private secretary. He testified that George E. 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